

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
July 19, 2005**

Place: Room 119
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Spain, Bigelow, Forman, Conze, Kenny

STAFF ATTENDING: Ginsberg, Keating
COURT REPORTER : Syat

GENERAL MEETING

Chairman Damanti read the following agenda item and noted that it will be heard next week:

Coastal Site Plan Review #74-A, Hamilton & Anabel James, 50 Contentment Island Road.

Proposing to construct alterations to the second floor of the existing residence and to perform related site development activities within a regulated area. The subject property is located on the south side of Contentment Island Road, approximately 1,500 feet south of its intersection with Shennamere Road, and is shown on Assessor's Map #68 as Lot #22, R-1 Zone.

Discussion, deliberation and possible decisions on the following items:

Business Site Plan #171-A, Thomas Golden Realty Co., 1063 and 1077 Boston Post Road.
WITHDRAWN

Coastal Site Plan Review #198-C, Flood Damage Prevention Application #216-C, Land Filling & Regrading Application #133-C, Bluff Island, LLC, 23 Butler's Island Road

After some discussion, Mr. Spain stated that he had no significant concerns or problems with the application. Mr. Damanti mentioned that any draft Resolution should try to accommodate neighbors to some extent, and he asked Mr. Ginsberg and Mr. Keating to draft a Resolution to approve the project.

Business Site Plan #238, Land Filling & Regrading Application #139, 182 West Avenue LLC, 182 West Avenue.

Commission members noted that there should be conditions included in any draft Resolution regarding downlighting, screening/buffering plants, and a Dumpster enclosure. It was agreed that staff should draft a Resolution to approve the project.

Flood Damage Prevention Application #225, Carl & Anita Mickels, 36 Lake Drive

Commission members had no significant comments or concerns about the application, and staff was asked to draft a Resolution to approve the project.

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Land Filling & Regrading Application #142, John Ackell & Shelley Carder, 68 Arrowhead Way.

Again, Commission members had no significant comments or concerns and staff was asked to draft a Resolution to approve the application.

Mr. Damanti then opened the public hearings at 8:10 p.m.

PUBLIC HEARING

Coastal Site Plan Review #210, Flood Damage Prevention Application #227, Land Filling & Regrading Application #144, Scott & Kristin Fine, 163 Pear Tree Point Road. Proposing to improve an existing drainage system, add fill, and regrade the back yard, and perform related site development activities within regulated areas. The subject property is located on the south side of Pear Tree Point Road, approximately 575 feet west of its southernmost intersection with Long Neck Point Road, and is shown on Assessor's Map #61 as Lot #25 in the R-1 Zone.

Mr. Kenny noted that his company has done work for the Fines regarding the finishing of their existing residence but that work has been completed. He said that he has no conflict that he knows of and no Commission members or members of the general public had any objection to Mr. Kenny hearing and deciding on this application.

Professional Engineer Joseph Risoli was present to discuss the application. He explained that the existing lawn and back yard slopes down to Long Island Sound and a sea wall. There is an old drainage system which has failed in the past and the soil is quite poor. He said that the puddles in the back yard do not drain and the existing drainage system would allow water to flow from Long Island Sound into the lawn. They will be installing a one-way valve which would prevent water from coming in from Long Island Sound. Mr. Risoli explained that they have proposed to fill an average of one to three feet deep and that the water will not drain towards the neighbors. They will be installing swales on both the north and south sides of the property as a precaution, and the details of the regrading are shown on the submitted plans.

Mr. Risoli explained that the maintenance of the one-way valve would be necessary. There will also be a requirement of the property owner to clean out the proposed catch basins and to check the valve periodically. In response to a question, Mr. Risoli said that the valve could last 25 years or more and is easily replaced. He noted that there are approximately 3,100 cubic yards of fill to be brought into the property and they will be removing 943 cubic yards of fill for a net import of 2,150 cubic yards +/- . He explained that it is difficult to maintain the shrubs that act as screening between the Fine property and surrounding properties.

Attorney Wilder Gleason was present on behalf of the Mayers, property owners to the south and east of the Fine property. They have no objection to the concept of this plan, but they believe it needs adjustments. Attorney Gleason then submitted a copy of a map with highlights and a copy of the deed for the Mayer property at Volume 217 Page 155. A copy of the Fine's deed was also submitted at Volume 962 Page 109. Mr. Gleason noted that the property includes a 10 foot wide pedestrian easement to the Fine's dock along the south property line. They would like the proposed catch basins not to be installed within the pedestrian easement area. Mr. Gleason mentioned that a

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2001 map shows the hedge along the south border and those hedges were ripped out and taxes shrubs were planted in lieu of them. The taxes were planted within the easement and now obstruct the pedestrian easement. He explained that there is no detailed planting plan in the file and he does not want the Planning & Zoning Commission to sanction any obstruction of the pedestrian easement.

There were no other comments from the general public regarding this application. Mr. Risoli then responded to Mr. Gleason's comments on the easement area. He explained that the drainage structure could be moved but he was not sure about the screening hedge. Mr. Harry Guillet said that 125 feet or so of the hedge died near the shore and they will not be replacing the taxes. He said that there are currently no plans for landscaping within 135 feet of Mean High Water. Mr. Scott Fine said that he will replant the privet hedge and that there is no landscaping plan currently in existence. Mr. Damanti then suggested that Mr. Fine work on submitting a landscaping plan for distribution to the Commission members and to the neighbors. Mr. Kenny then made a motion to continue the public hearing on July 26, 2005. That motion was seconded by Mr. Bigelow and unanimously approved by the Commission.

Mr. Damanti then read the next agenda item:

Special Permit Application #11-N, Ox Ridge Hunt Club, 512 Middlesex Road. Proposing to amend the existing Special Permit to allow approval of an annual calendar of events for the period of October 2005 through September 2006. Subject property is located on the south and east sides of Middlesex Road, directly across from its intersection with Ox Ridge Lane, and is shown on Tax Assessor's Map #6 as Lot #149, R-2 Zone.

Attorney Bruce Hill was present on behalf of the Club and noted that four members of the Ox Ridge Hunt Club were present in the audience this evening. He mentioned that the property of the Ox Ridge Hunt Club is not for sale and that about 25 members support the Club actively. The Club is before the Commission this evening for an adjustment of their Special Events Calendar at the site. Mr. Hill then submitted a copy of the existing approved calendar and noted that there are a number of current actual activities. He also referred to the proposed list of special events activities for the Club. Mr. Hill then submitted Special Permit application #11-D and noted that on the second page there was a list of special events. He also submitted Special Permit #11-E and #11-H from 1989 that has the Harriman Cup Polo Match in the list of special events.

Mr. Hill mentioned that the current proposed schedule is designed to generate revenue and maintain good relations with the Darien community. They will continue to have a riding program run in conjunction with the Parks & Recreation Department. They propose to have several shows and events each year which are not locked into exact calendar dates. They will continue to use the Clubhouse for private events such as weddings.

Mr. Hill said that he spoke with some neighbors of the Hunt Club property and they support the Club despite some occasional problems in the past. He explained that Diane Hitchings is now the Club President and the person to contact with any issues regarding the Club.

Mr. Conze said that the submitted Special Events Schedule seems good as long as the Club maintains control of parking, noise, lights etc. that could impact neighbors on the surrounding

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properties. Mr. Bigelow reiterated that the Club needs to consistently work with the neighbors of the property. Mr. Hill then submitted a letter of support from the neighbors on Saddle Ridge Road regarding this application. He noted that the Club will work to control parking on Saddle Ridge Road. They will also have controls by the local Police Department, Fire Marshal, Building Official and Health Department during the events. Mr. Kenny then asked whether there would be a horse show and a rodeo in the same year. Mr. Hill said that that is not likely, as both of those events require significant time and effort and it would be unlikely to have each of those events in one year.

There were no further comments from Commission members or the general public. Mr. Conze made a motion to close the public hearing on this matter. That motion was seconded by Ms. Forman and unanimously approved.

Mr. Damanti read the next agenda item:

Coastal Site Plan Review #130-B, Flood Damage Prevention Application #129-B, O&J Investments, LLC, 40 Old Farm Road. Proposing construction of a residence (modified from previous approval) and perform related site development activities within regulated areas. The subject property is located on the south side of Old Farm Road approximately 100 feet west of its intersection with Pondfield Lane, and is shown on Tax Assessor's Map #66 as Lot #83, in the R-1 Zone.

Attorney Wilder Gleason was present on behalf of the applicant. He noted that the litigation had been resolved but that the old P&Z approval had lapsed. He then submitted a copy of a highlighted map for the record and asked that the old files on this property be incorporated into this file. Attorney Gleason then submitted a copy of the May 2001 Adopted Resolution regarding this property. The building footprint and design will be changed and they have reduced the floor area from 6,600 square feet to approximately 5,900 square feet. There will be a slight reduction of the footprint. Attorney Gleason submitted a letter of support signed by a number of the neighbors, but not all of them. They are coming to the Commission this evening for a Coastal Area Management Permit and Flood Damage Prevention Application. He also submitted for the record the January 12, 2004 letter from Jeremy Ginsberg and a March 8, 2001 letter from Rocco V. D'Andrea Inc. There were no questions from the Commission members or the general public regarding this application. Mr. Conze then made a motion to close the public hearing on this matter. That motion was seconded by Ms. Forman and unanimously approved.

Mr. Damanti then read the next agenda item:

Coastal Site Plan Review #212, Chris & Elise Martin, 33 Beverly Place. Proposing to excavate and grade along the northern portion of the property, construct additions to the house, and to perform related site development activities. The subject property is located on the south side of Beverly Place, approximately 1,350 feet south and east of its intersection with Goodwives River Road, and is shown on Assessor's Map #62 as Lot #82, R-1 Zone.

Architect McKee Patterson was present to discuss the application. He noted that they are proposing small additions to the existing residence above elevation 12. Any runoff created by the 53 sq. ft. of new impervious area will be directed into a drainage system. They will be installing plantings down hill of the construction but uphill of the high tide line.

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There were no comments from the general public or from Commission members. Mr. Conze made a motion to close the public hearing on this matter. That motion was seconded by Ms. Forman, and unanimously approved.

Mr. Damanti then read the next agenda item:

Business Site Plan #80-B/Special Permit, Darien Golf Center, 233 Boston Post Road.

Proposing to construct an addition to the existing building to house indoor driving range bays and a small putting green, construct additional parking, and perform related site development activities. The subject property is located on the north side of Boston Post Road, approximately 320 feet southwest of its intersection with Richmond Drive, and is shown on Assessor's Map #13 as Lot #4, in the SB-E Zone.

Architect Neil Hauck of Neil Hauck Architects was present on behalf of the property owners. He explained that they are present this evening to amend the existing Special Permit and Business Site Plan for the property. He said that the business was started in 1949 and they moved to this site at 233 Boston Post Road in 1980. There have been two additions to the building since then. The business started mostly as an indoor driving range then became more retail oriented. They are going back to a more active use and there will still be a significant portion of the building which will be dedicated to retail sales. Mr. Hauck mentioned that the property is close to a variety of residential houses in the back of that property and that the building will be sound proofed to avoid any impact of noise on these adjacent residential properties. It was also noted that a variance was received in 1988 to use 15 parking spaces, which have proven to be more than adequate through time.

Mr. Hauck said that they are adding three driving bays and three parking spaces, a total of 1,594 indoor square feet. The existing building is now 2,462 square feet including a small second floor office. The addition is a large glass enclosure to get the feeling of being outdoors.

There were no comments from the general public, and no further comments or questions from the Commission. Ms. Forman then made a motion to close the public hearing on this matter. That motion was seconded by Mr. Kenny and unanimously approved.

Mr. Damanti then read the next agenda item:

Business Site Plan #240, Dean & Paula Glenges (contract purchasers) for property now owned by Peter Pine, 95 Noroton Avenue. Proposing to establish a florist in the lower level of the existing building and continue utilizing the upper level as a private residence and perform related site development activities. The subject property is located on the west side of Noroton Avenue, at the southwest corner formed by the intersection of Noroton Avenue and Maple Street, and is shown on Assessor's Map #43 as Lot #43, in the NB and R-1/5 Zones.

Attorney Robert F. Maslan, Jr. of Maslan Brown & Associates was present on behalf of the contract purchasers, the Glenges. He noted that the property is split zoned and a majority of the property is in the Neighborhood Business (NB) Zone. The NB Zone Regulations require that the applicant come before the Planning & Zoning Commission to change uses. Attorney Maslan then submitted a

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copy of the survey and a site plan. They will be changing the existing T.V. repair shop to a florist and keeping the one apartment upstairs. The parking is in front of the building and to the side. Mr. Kenny asked about vehicles using the existing parking lot as a "cut through" between Maple Street and Noroton Avenue. Mr. Bigelow was concerned about the dumpster enclosure which would be needed and he said that the applicant should define parking spaces to improve safety on site.

Mr. Stewart said that he lives next door at 93 Noroton Avenue. He agrees with the dumpster issue and the "cut through" issue mentioned by Commission members. He asked what kind of flower shop would be established in this space. Mr. Maslan responded that it will be a retail flower shop and that no flowers will be grown on premises - it is not a greenhouse. The florist will be using the entire ground floor. Ms. Christie Smith of 6 Maple Street said that she too lives next to the property, and asked the Commission to require that the dumpster be screened, as the dumpster is now placed directly adjacent to her property.

There were no further questions or comments from Commission members or the general public. Mr. Conze then made a motion to close the public hearing on this matter. That motion was seconded by Mr. Kenny and unanimously approved.

There being no other business, the meeting was then adjourned at 9:45p.m.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

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